

**REMARKS**

Claims 1, 3, 9-12, 16, 20-24 and 26-28 are all the claims pending in the present application. Claims 1, 3, 9-12, 16, 20-24 and 26-28 have been rejected. Claims 2, 4-8, 13-15, 17-19 and 25 have been cancelled. Claims 1, 3 and 9-11 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 1, 3, 9-11, 12, 16, 20-23 and 26-28 stand rejected under 35 U.S.C. § 102(e). Claim 24 stands rejected under 35 U.S.C. § 103(a).

The Examiner has acknowledged the Applicant's claim of foreign priority and receipt of Applicant's priority document. The Examiner has also returned a signed copy of the Information Disclosure Statement filed on August 21, 2002.

**INFORMATION DISCLOSURE STATEMENTS (IDS)**

The Examiner has returned a signed copy of the IDS filed on August 21, 2002. However, the Examiner has stated that the references cited therein were only considered in view of the statement of relevancy. Such an equivocal consideration by the Examiner is improper. The MPEP makes clear that the Applicant satisfies its duty of submitting a concise explanation for references cited in a search report or office action by submitting a translation of the search report or office action indicating the degree of relevance found by the foreign office. MPEP 609(III)(A)(3). A copy of the August 21, 2002 IDS form is enclosed. Examiner is requested to initial this form without equivocation.

**CLAIM AMENDMENTS**

Claims 1, 3, 11-12, 16 and 20 have been amended as shown above. Claims 2, 4-8, 13-15, 17-19 and 25 have been cancelled.

**CLAIM REJECTIONS**

**A. Rejections under 35 U.S.C. § 112, second paragraph**

The Examiner has objected to claims 1, 3 and 9-11 under 35 U.S.C. § 112, second paragraph. Applicant submits that the above amendments overcome the Examiner's rejection.

**B. Rejections under 35 U.S.C. § 102(e)**

The Examiner has rejected claims 1, 3, 9-12, 16, 20-23 and 26-28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,430496 to Smith et al. ("Smith"). For at least the following reasons, Applicant respectfully traverses this rejection.

The Smith reference is directed to a system for controlling vehicles to provide transportation services without the need for human intervention, i.e., a fully automated dispatching system. Abstract; col. 2, lines 39-41. A database server 10 is one part of this system. See Fig. 1; col. 4, lines 54-64. The database server contains records documenting needed transportation services. Col. 2, lines 49-50. The system also includes processing circuitry, which may be, for example, a computer or a series of networked computers, that monitor the records to determine when transportation services need to be provided. Col. 2, lines 51-54, 61-65. Vehicle information, including the vehicle's position, is sent to the processing circuitry by an automatic vehicle locator (AVL) system 18. Col. 1, lines 49-56; col. 2, lines 8-13; col. 3, lines 3-11.

However, contrary to the Examiner's assertions, Smith fails to teach or suggest a transportation system having "means for specifying one of the plurality of transportation vehicles having the current location information closest to the location of a business connection in charge of said object to be transported among the current location information of each of said plurality

of transportation vehicles as a mandated transportation vehicle” as recited in claim 1. While the Examiner asserts that “Smith discloses periodic transmission of vehicle location so that the closest vehicle to a service request can be quickly dispatched,” the Examiner fails to identify where in Smith such a teaching can be found. Indeed, in Smith, the system will not necessarily specify the closest available transportation vehicle as the mandated vehicle and a means for doing so is necessarily absent. Further, as any number of criteria may be used to determine which vehicle among a plurality of vehicle is most appropriate for transporting a specific object (e.g., vehicle capabilities or specific driver having knowledge of certain clients or areas), Smith cannot be fairly read to inherently suggest the above recited means. Independent claims 16 and 20 contain similar limitations and are patentable at least for this reason. Accordingly, Applicant submits that these claims are patentable over Smith for at least this reason.

Further, Smith fails to teach or suggest that transportation having an order receiving server including means for receiving transportation start information from a mandatory terminal at the order receiving server and means for receiving said transportation completion information from a mandatory terminal at the order receiving server as recited in claim 1. There is no teaching in Smith that any information relating to a start or completion of a transportation of an object is sent from any vehicle to AVL communication system 18, and the Examiner has not identified where such a teaching can be found in Smith. For at least this additional reason, Applicant submits that each rejected claim is patentable over Smith.

**C. Rejections under 35 U.S.C. § 103(a)**

The Examiner has rejected claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of U.S. Patent No. 6,323,782 to Stephens (“Stephens”). While the rejection states

the rejection is only in view of Smith, Stephens is discussed in the accompanying text.

Applicant's representative telephoned the Examiner to discuss this rejection. The Examiner confirmed that the rejection is based on both Smith and Stephens.

As claim 24 depends on claim 20, and as Smith fails to cure the deficiencies of Stephens, Applicant submits that claim 24 is patentable over Smith in view of Stephens.

**STATEMENT OF SUBSTANCE OF INTERVIEW**

The Examiner has rejected claims 7-8 and 24-25 under 35 U.S.C. § 103(a) as being unpatentable over Smith in view Stephens. While the rejection states the rejection is only in view of Smith, Stephens is discussed in the accompanying text. Applicant's representative telephoned the Examiner to discuss this rejection. The Examiner confirmed that the rejection is based on both Smith and Stephens.

**CONCLUSION**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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